IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3094 of 2005

1. Mr Mahesh Dnyanoba Gaikwad and ors. .. Petitioners
Vs
1. Mr Jaysing Tukaram Pawar and anr .. Respondents

Mr Dilip Bokade, for the petitioners.
Mr Sanjeev P Kadam for respondent no.1.
Mrs M.M.Deshmukh, APP for the respondent-State.

CORAM : D.B.BHOSALE, J.

DATED : 12th JULY, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. The petitioners are seeking quashing of the complainant filed under sections 499 and 500 of IPC solely on the ground that their case falls within the exception (9) to Section 499 of IPC. The law is well settled and more particularly in Balraj Khanna and ors Vs Moti Ram, 1971 (3) Supreme Court Cases 399, that the question of applicability of the exceptions to section 499 as well as all other defences that may be available to the accused will have to be gone into during the trial of the complaint. In the circumstances, this petition is disposed of, with direction to the learned Magistrate to decide the case expeditiously. All contentions in this petition are left open to agitate at appropriate stage.

(D.B.BHOSALE,J.)